

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**CONSENT MOTION FOR PARTIES AND NON-PARTIES TO EACH FILE
A SINGLE MEMORANDUM IN SUPPORT OF SEALING MOTIONS
RELATED TO THE PARTIES' MOTION IN LIMINE**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, and Local Civil Rule 5(C), Plaintiffs, Defendants and non-parties Audible Magic, MarkMonitor, and the Recording Industry Association of America (“RIAA”), jointly request the Court’s permission to each file a single memorandum in support of the numerous requests to seal submitted in connection with Plaintiffs’ Omnibus Motion in Limine (ECF No. 470) and Cox’s Motions in Limine Nos. 1 through 10 (ECF Nos. 471, 474, 478, 482, 487, 490, 493, 496, 499, 502) (collectively, the “Motions”).

This Consent Motion is based on the following grounds:

1. The deadline for the parties to submit motions *in limine* and supporting memoranda was Saturday, October 19, 2019. ECF No. 252.
2. Due to technical issues with the ECF filing system on October 19, the parties exchanged pdf versions of their motions.
3. On October 21, 2019, Plaintiffs filed their Omnibus Motion in Limine, comprising eleven *in limine* requests, through the Court’s ECF filing system. In connection with that motion, Plaintiffs contemporaneously filed a Motion to Seal. ECF No. 484

4. On October 21, 2019, Cox filed Motions in Limine 1 through 10 through the Court's ECF filing system. In connection with those motions, Cox contemporaneously filed a Motion to Seal. ECF No. 509. On October 23, 2019, Cox filed a Supplemental Motion to Seal in connection with Cox's Motion in Limine No. 8. ECF No. 525.

5. The parties' memoranda in support of their Motions referenced and attached as exhibits documents and information designated by the parties and/or various nonparties as Highly-Confidential – Attorneys' Eyes Only or Confidential under the Stipulated Protective Order (ECF No. 58).

6. The parties will file their oppositions to the Motions by October 30, 2019 and their replies by November 6, 2019. The hearing is set for November 12, 2019.

7. Accordingly, over the next two weeks, Plaintiffs and Defendants will file opposition and reply briefs in response to 11 Motions, which they expect will or may attach additional confidential information of the same parties and non-parties. Plaintiffs and Defendants expect to file motions to seal in connection with those briefs, if applicable.

8. Local Civil Rule 5(C) requires the parties and interested non-parties who designated the sealed information as confidential to, within seven (7) days, file a memorandum in support of the seal motion. This rule's application would cause the parties to file numerous repetitive memoranda in support of sealing various documents used throughout the parties' briefing and require the Court to address the same or similar issues repeatedly.

9. In the interest of efficiency, judicial economy and avoiding inconsistent rulings, the parties and non-parties jointly request the Court's permission to each file one single memorandum in support of the numerous requests to seal. They further request the information subject to the sealing motions in connection with the Motions be maintained under seal pending

resolution of the respective seal motions.

10. The procedural prerequisites for sealing will still be met. The parties will provide a supporting memorandum as required by Local Civil Rule 5(C), but in a consolidated form that avoids duplicative filings.

11. Granting this motion will not cause any prejudice or impact the public's access to judicial records. Each interested party and non-party will still have ample notice and an opportunity to reasonably object.

12. The Court previously granted a similar Consent Motion (ECF No. 349) and thereafter granted all related seal request following the parties filing of their supporting memoranda (ECF Nos. 515–519, 522–524, 528–531).

13. Plaintiffs, Defendants, MarkMonitor, Audible Magic and RIAA have all consented to the relief requested herein.

Based on the foregoing, the schedule on remaining seal issues in connection with the parties' summary judgment and Daubert motions and Cox's sanction motion would be as follows:

Date	Deadlines
October 30, 2019	Oppositions to Plaintiffs' Omnibus Motion in Limine and Cox's Motions in Limine 1 through 10. Parties to file a Motion to Seal and Notice of Sealed Filings, if applicable.
November 06, 2019	Reply in support of Plaintiffs' Omnibus Motion in Limine and Cox's Motions in Limine 1 through 10. Parties to file a Motion to Seal and Notice of Sealed Filings, if applicable.
November 13, 2019	Plaintiffs and Defendants to each file a single memorandum in support of the other parties' Motions to Seal filed in connection with the Motions.
November 20, 2019	MarkMonitor, Audible Magic and RIAA to each file a single memorandum, if applicable, in support of the parties' Motions to Seal filed in connection with the Motions.

Dated: October 25, 2019

Respectfully submitted,

/s/ Scott. A Zebrak

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